

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b)(2) (Small Entity)**

Docket No.  
**36360/1.13**

**In Re Application Of: J. Spencer Grant et al.**

A circular stamp with a double-lined border. The outer ring contains the text "PATENT & TRADEMARK OFFICE" at the top and "WASHINGTON, D.C." at the bottom. The inner circle is divided into four quadrants by a horizontal and vertical line. The date "JUN 27 2006" is stamped in the center. In the top right quadrant, the serial number "1A1P32" is stamped.

478

Application No.	Filing Date	Customer No.	Group Art Unit	Confirmation No.
09/815,885	March 23, 2001	32642	2131	7395

**Invention: METHOD AND APPARATUS FOR CHARACTERIZING AND ESTIMATING THE PARAMETERS OF HISTOLOGICAL AND PHYSIOLOGICAL BIOMETRIC MARKERS FOR AUTHENTICATION**

## **Attention: Office of Petitions**

## Mail Stop Petition

# COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
  - (2) Reply and/or issue fee;
  - (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
  - (4) Statement that the entire delay was unintentional.

1.  A proposed reply to the above-identified Office Action:

is enclosed.       was filed on

## **Letter to the Official Draftsperson**

2.  The issue fee:

is enclosed       was paid on

06/29/2006 SSESHE1 00000174 09815885

750.00 0P

3.  Applicant claims small entity status. See 37 CFR 1.27

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4.  The abandoned application was a:

JUL 03 2006

design application.  utility application.  plant application.

## OFFICE OF PETITIONS

5.  A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6.  Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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09/815,885	March 23, 2001		32642	2131	7395

Invention: **METHOD AND APPARATUS FOR CHARACTERIZING AND ESTIMATING THE PARAMETERS OF HISTOLOGICAL AND PHYSIOLOGICAL BIOMETRIC MARKERS FOR AUTHENTICATION**

**Calculation and Payment of Fees**

Enclosed are the following fees:

7.  Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8.  Fee for reply in the amount of: \_\_\_\_\_
9.  Issue fee in the amount of: \_\_\_\_\_
10.  Continuing application filing fee in the amount of: \_\_\_\_\_
11.  Terminal disclaimer fee in the amount of: \_\_\_\_\_
12.  \_\_\_\_\_

Total fees enclosed: \$750.00

The fee of \$750 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 502375
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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J. Spencer Grant et al.

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09/815,885	March 23, 2001		32642	2131	7395

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
*John R. Thompson*  
Signature

John R. Thompson  
Registration No. 40,842  
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Salt Lake City, Utah 84111  
Phone: (801) 578-6994  
Facsimile: (801) 578-6999

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Dated: June 27, 2006

JUL 03 2006

OFFICE OF PETITIONER

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

cc: Client



PATENT APPLICATION  
Docket: 9437.11

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J. Spencer Grant et al.

Serial No.: 09/815,885

) Art Unit  
(not assigned)

Filed: March 23, 2000

For: METHOD AND APPARATUS FOR CHARACTERIZING  
AND ESTIMATING THE PARAMETERS OF  
HISTOLOGICAL AND PHYSIOLOGICAL  
BIOMETRIC MARKERS FOR AUTHENTICATION

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Assistant Commissioner for Patents  
Washington D.C. 20231

Dear Sir:

Applicants respectfully request that examination of the above-referenced patent application be advanced out of turn and that prosecution be performed in an expedited manner. Applicants believe all claims are directed to a single invention and will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention. Applicants submit this written Petition to Make Special in conformance with 37 C.F.R. § 1.102(d), along with the appropriate fee as set forth in 37 C.F.R. § 1.17(h).

Applicants have caused to be made a careful and thorough pre-examination search of the prior art. This search was performed by a professional search firm under the direction of Noreen A.

03/06/2002 BNNGUYEN1 00000127 09815885

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Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/815,885	03/23/2001	J. Spencer Grant	9437.11

KIRTON & McCONKIE  
Suite 1800  
60 East South Temple  
Salt Lake City, UT 84111

**CONFIRMATION NO. 7395**  
**RESEND COVER LETTER**



\*OC00000009820087\*

Date Mailed: 04/11/2003

### **COVER LETTER FOR RESENDING CORRESPONDENCE**

A courtesy copy of the Notice mailed on 09/19/2001 is enclosed. The time period for reply continues to run from the mail date of that Notice.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/815,885	03/23/2001	J. Spencer Grant	9437.11

KIRTON & McCONKIE  
Suite 1800  
60 E South Temple  
Salt Lake City, UT 84111

**CONFIRMATION NO. 7395**  
**FORMALITIES LETTER**



\*OC00000006572653\*

Date Mailed: 09/19/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### ***Filing Date Granted***

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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